

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 18, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Trevor Vance, Connie Vickery, Marc Carmichael, John Barnett, C. Tooman, Nicole Upano, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the May 5, 2010 meeting. The motion was seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted for the May 18, 2010 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Four hundred sixty-eight (468) renewals approved, fifty-one (51) new and/or transfer permits approved, eleven (11) permits approved for catering, seven (7) permits approved for first year escrow, eleven (11) permits approved for second year escrow, two (2) permits approved for third year escrow and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL43-26921 LASSUS BROS OIL, INC. – Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-20968 PRIDE CORPORATION, D/B/A EL SOL AZTECA – Commissioner Guthrie noted this is a type 112 transfer of ownership application that was forwarded to the Commission without a recommendation from the local board. The applicant failed to appear at the local board hearing, as required.

Commissioner Guthrie stated this applicant contacted an attorney, who assured the Commission that if the application were remanded to the local board the applicant would be present.

Commissioner Guthrie moved to remand this application to the local board for reinvestigation. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR04-92042 FAR AWAY PHILBILLY'S, INC. – Commissioner Guthrie noted there is a question regarding the food sales requirement not being met by this permittee. The local board stated that they did not know the sales were in question and did not consider that when making the recommendation to the Commission regarding the renewal.

Commissioner Guthrie moved to remand this renewal application to the local board for an investigation of the food sales. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-26527 RYAN E. ROE, D/B/A GREEK'S PIZZERIA – Commissioner Guthrie noted this is a new type 111 application that was forwarded to the Commission without recommendation from the local board, due to the applicant not appearing, as required.

Commissioner Guthrie moved to deny the application for a new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL45-26758 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-26761 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL45-26760 WALGREEN CO – Commissioner Guthrie noted this is a new type 208 application with the local board voting two (2) to two (2).

Commissioner Guthrie information was provided by both sides, with no indication as to why one of the local board members chose to recommend approval of this new permit, when on the other two applications a negative recommendation was given.

Commissioner Guthrie moved to approve the application for a new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

No Inactive Files

OLD BUSINESS

DL45-01588 KEVIN THOMAS, C/A/B CHIPS AND NUTS LIQUOR STORE – Commissioner Guthrie noted this renewal application was originally recommended to be approved by the local board, but, the Commission denied the renewal based on a concern with violations occurring at the establishment. An appeal was filed and after a prehearing conference with the attorney for the permittee, the Commission thought the permittee requested the application be remanded to the local board, which the Commission approved that request at the May 5, 2010 meeting. However, after further discussion, the permittee requests the permit be approved as recommended by the local board.

Commissioner Guthrie moved to uphold the local board and approve the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER